

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Deandre Tervarian Roberts

Docket No. 5:11-CR-266-1

Petition for Action on Supervised Release

COMES NOW Djoni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Deandre Tervarian Roberts, who, upon an earlier plea of guilty to Failure to Register as a Sex Offender, in violation of 18 U.S.C. §2250(a), was sentenced by the Honorable Joseph M. Hood, Senior U.S. District Judge for the Eastern District of Kentucky, on March 2, 2009, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for life under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in a substance abuse treatment program and shall submit to periodic drug and alcohol testing at the direction and discretion of the probation officer during the term of supervision.
2. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of release.
3. The defendant shall not consume any alcoholic beverages.
4. The defendant shall participate in a program for treatment of mental health/sexual disorders, and shall undergo a sex offender risk assessment, psychosexual evaluation and/or other evaluation as needed, be subject to periodic polygraph examinations, at the discretion and direction of the probation officer, and shall follow the rules and regulations of the sex offender treatment program as implemented by the probation office.
5. The defendant's residence and employment shall be pre-approved by the probation officer and in compliance with state and local law.
6. The defendant shall not frequent, volunteer, or work at places where children under the age of 18 congregate (e.g. playgrounds, parks, daycare centers, public swimming pools, youth centers, video arcade facilities) unless approved by the probation officer, and shall have no contact with victims.

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7. The defendant shall not associate or have verbal, written, telephonic, or electronic communication with any person under the age of 18 without the permission of the U.S. Probation Officer. This provision does not encompass persons under the age of 18 such as ticket vendors, cashiers, waiters, etc., with whom the defendant must deal in order to obtain ordinary and usual commercial services.
8. The defendant shall not possess, view, listen to, or go to locations where any form of pornography, sexually stimulating performances, or sexually oriented material, items, or services are available.
9. The defendant shall not possess or use a device capable of creating pictures or video.
10. The defendant shall not rent or use a post office box or storage facility.
11. The defendant shall register as a sex offender as prescribed by law.
12. The defendant shall not possess or use a computer or any device with access to any on-line computer service at any location, including place of employment, without the prior written approval of the probation officer. This includes any Internet Service provider, bulletin board system, or any public or private network or e-mail system.
13. The defendant shall consent to the U.S. Probation Office conducting unannounced examinations of his computer system(s) and internal/external storage devices, which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on his computer(s), any hardware/software to monitor his computer use or hardware/software to insure it is functioning properly.
14. The defendant shall provide the U.S. Probation Office with accurate information about his entire computer system (hardware/software) and internal/external storage devices; all passwords used by him; and, will abide by all rules of the Computer Restriction and Monitoring Program.
15. The defendant shall submit his person, residence, office, vehicle, or any property under his control to search, conducted by a United States Probation Officer(s) at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation of supervision. The defendant shall inform any residents that the premises may be subject to searches pursuant to this condition.
16. The defendant shall provide the probation officer with access to any requested financial information.
17. The defendant shall pay a special assessment of \$100.00.

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Deandre Tervarian Roberts was released from custody on September 17, 2010, at which time the term of supervised release commenced. Roberts was arrested by Onslow County authorities on September 20, 2010, and remained in state custody until he appeared in Onslow County Superior Court on July 12, 2011, and pled guilty to Obstructing Justice. This offense occurred prior to the commencement of his supervised release. Roberts was sentenced to 120 days custody, given credit for time served, and was released.

Jurisdiction was transferred to the Eastern District of North Carolina on August 24, 2011.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant is a native of Onslow County and currently resides with his mother. He has been referred to our contract vendor, Coastal Carolina Neuropsychiatric Center of Jacksonville, for mental health treatment and to date, has complied with requirements of supervision.

The Eastern District of Kentucky imposed mental health and sex offender treatment as special conditions of supervised release. Inasmuch as jurisdiction has been assumed in the Eastern District of North Carolina, we are recommending the conditions be modified to include this district's standard sex offender treatment condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer. While under supervision in the Eastern District of North Carolina, the defendant shall further abide by the rules and regulations of the NCE Sex Offender Program.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dioni B. Barrett
Dioni B. Barrett
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: December 7, 2011

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ORDER OF COURT

Considered and ordered this 11 day of December, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge